

## REMARKS

In his Office Action of December 13, 2006, the Examiner rejected single independent Claim 1 pursuant to 35 U.S.C. Section 103 on the basis of the combination of U.S. Patent No. 6,305,587 issued to Miller et al. taken with U.S. Patent No. 2,729,257 in the name of Kepper.

Applicants have amended independent Claim 1 to more particularly point out and distinctly claim the subject matter thereof. First, applicants point out that the bags which are claimed in amended claim 1 are flexible bags. They are made from flexible material and the bags themselves are also flexible. Second, the claim calls for a lesser capacity first partial bag and a greater capacity second partial bag. The connection between the first and second partial bags is, as observed by the Examiner, an opening. Applicants have additionally claimed the feature of the second bag including a separate access opening. Referring to the drawings, for example, and in particular Figure 5, the access opening 80 is referenced.

The Examiner urges that Miller employs all the features of Claim 1 but for the claimed "opening". Miller discloses "no opening" and instead a solid wall 72 which cannot open. The Examiner then urges that Kepper teaches the missing feature of an "opening" though admittedly the opening is closed by a flap.

In any event, the Examiner admits that the feature of the interior wall is a requisite in the Miller '587 reference. Specifically, Miller teaches that the wall 72 is provided so that a separate computer storage pocket is provided. Applicants note that when one stores a computer in a luggage item, it is general knowledge that the computer must be protected on all sides. Typically, padding is provided in such a pocket so that the computer will be protected from undesirable shock. Nonetheless, the Examiner combined teachings from Kepper '257 with those

of Miller indicating that Kepper (which does show a separation wall 7) would be an obvious combination with the Miller reference.

First, applicants point out that this is not an intuitive or suggested or obvious combination. The function of the Miller reference is to provide an enclosed pocket or compartment for protection of a computer. It is explained at column 2, lines 34 et seq. of Miller that a computer compartment forms part of the storage volume and is sized to contain a portable computer. The computer compartment is only accessible through an opening at the top thereof through a closure mechanism for opening and closing the computer compartment. Separate compartments are arranged next to the computer compartment and hence "separated therefrom by a partition substantially parallel to the front and back". At column 3, lines 39 et seq. of Miller it is explained that the computer compartment includes a cushion material for protecting a computer stored therein. The cushion material is preferably located at front, back, bottom and in sides of that compartment. Thus, it is specifically taught in the Miller reference that the computer compartment is separate and apart from the remainder of the luggage item and is to be maintained as such.

Applicants submit that the Kepper reference also teaches the separation of compartments. The fact that the Kepper separation wall 7 is detachable would not be an obvious variant of the Miller reference inasmuch as the Miller reference specifically teaches that it is important to maintain the computer in a separate isolated compartment. Thus, the combination suggested by the Examiner is believed not to be apt.

Further, Kepper teaches that the storage of the expanding bag portion of the beach bag depicted is retained beneath the separation wall 7. There is no teaching that the expanding portion fits into the upper portion of the beach bag depicted. Thus, there is no teaching of the


second partial bag being partially stored within the first bag. That limitation which is specifically set forth in independent Claim 1 is clearly not found or taught in the Kepper reference. It is, in fact, an object or goal of the construction of the present application to provide that the second bag be stored within the first bag bound by a portion of the wall of the second bag. This is clearly not the object in the Kepper reference. It is certainly not the object in the Miller reference. Language supporting this limitation is set forth specifically within Claim 1 wherein it states that the "second bag is within the first bag interior within a volume comprised of the first bag and said portion of the second bag encircled by the second fastening mechanism". None of the references teach this limitation.

In view of the foregoing, therefore, it is believed that the claims in their amended condition should be reconsidered and be deemed allowable. Reconsideration thereof is therefore respectfully requested.

Respectfully submitted,

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